

WOOD & LAMPING LLP

SINCE 1927

ATTORNEYS AT LAW

600 VINE STREET, SUITE 2500
CINCINNATI, OHIO 45202-2491
TELEPHONE (513) 852-6000
FAX (513) 852-6087

WOOD, LAMPING & LEHNER LLP
208 WALNUT STREET
LAWRENCEBURG, INDIANA 47025
TELEPHONE (812) 537-2375
FAX (812) 537-2368

KENNETH J. SCHNEIDER
WILLIAM R. ELLIS**
WILLIAM H. EDER, JR.
HAROLD G. KORBEE
ERIC C. HOLZAPFEL
PAUL R. BERNINGER
ROBERT P. MALLOY
JEFFREY M. ROLLMAN
MARK S. RECKMAN
JAN M. FRANKEL
GARY J. DAVIS*
JAMES B. HARRISON*
HENRY E. MENNINGER, JR.
C.J. SCHMIDT, III
THOMAS M. WOEBKENBERG
ARTHUR D. WEBER, JR.*
THOMAS J. BREED

JOHN W. EILERS
LISA D. LEHNER*** +
PETER M. BURRELL++
JEFFREY P. MCSHERRY* ***
LISA M. RAMMES
DOUGLAS L. WESTENDORF
ROCCINA S. NIEHAUS
TIMOTHY A. GARRY, JR.
THOMAS R. BLONDELL+++
EDWARD D. BENDER
JANET Y. CASTAÑEDA
KAREN A. NICEWANDER
JAMES D. HOUSTON
JEFFREY D. FORBES
V. BRANDON MCGRATH*
NATHAN H. BLASKE
SARAH B. ELLINGTON

Counsel
ROBERT F. RECKMAN
AMY GASSER CALLOW

Retired
HARRY M. HOFFHEIMER

JOHN WOOD II (1917-1998)
FRED C. LAMPING (1903-1989)
ALBERT H. NEMAN (1929-2003)

*Also Admitted in Kentucky
**Also Admitted in Pennsylvania
***Also Admitted in Indiana
+ Also Admitted in Arizona
++ Also Admitted in Oregon
+++ Admitted in Illinois and Indiana

DIRECT DIAL: (513) 852-6067
E-MAIL: wrellis@woodlamping.com

February 3, 2004

VIA FACSIMILE AND FIRST CLASS MAIL

Eugene L. Matan, Esq.
MATAN, GEER & WRIGHT
261 South Front Street
Columbus, OH 43215-5089

Re: Jefferson-Pilot Life Insurance Co. v. Christopher L. Kearney
U. S. District Court, Southern District of Ohio, Western Division
Case No. C-1-02-479

Dear Mr. Matan:

Confirming our telephone conversation at 5:05 p.m. yesterday, it is my understanding that you and Mr. Roberts are not willing to alter the scheduled date for the deposition of Mr. Kearney, which I will be unable to take on the 5th of February, 2004, nor the date for the response to your Motion for Summary Judgment which is currently set for February 16, 2004. As I explained, I have been asked to take over this case due to Ms. Johnson's physical condition and have not yet received the case file from her office. I will on this date file a Motion and ask the Court's indulgence to enable me to review what has been represented to be a large claim file and the case file to properly represent my client. I will make every effort to do this as expediently as possible.

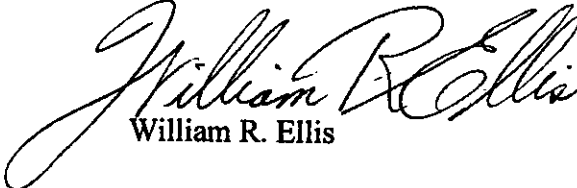
While I do understand, that you tell me you had prior difficulties due to Ms. Johnson's physical condition, I had hoped for a modicum of professional courtesy as was extended to your co-counsel only yesterday morning by my office in another matter. I will file the substitution of counsel and motion for additional time today.

Eugene L. Matan, Esq.
February 3, 2004
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It is indeed unfortunate that I am required to seek judicial intervention in order to have appropriate time to review the material in this case.

Thank you for your kind consideration of my request.

Very truly yours,



William R. Ellis

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